

DANIEL G. BOGDEN  
United States Attorney  
CHRISTINA M. BROWN  
DANIEL R. SCHIESS  
Assistant United States Attorneys  
DISTRICT OF NEVADA  
333 Las Vegas Boulevard South, Suite 5000  
Las Vegas, Nevada 89101  
PHONE: (702) 388-6336 / Fax: (702) 388-6020

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

**-oOo-**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JULIO DE ARMAS DIAZ,  
ALEXIS TORRES SIMON, and  
ALEXANDER DEL VALLE GARCIA

Defendants.

Case No. 2:13-cr-00148-JAD-GWF

STIPULATION TO CONTINUE  
SENTENCING DATE

(Fourth Request)

**IT IS HEREBY STIPULATED AND AGREED**, by and between DANIEL G. BOGDEN, United States Attorney, and CHRISTINA M. BROWN and DANIEL R. SCHIESS, Assistant United States Attorneys, counsel for the United States of America, and Defendant Alexander Del Valle Garcia, by and through KATHLEEN BLISS, Esq.; Defendant Alexis Torres Simon, by and through OSVALDO FUMO, Esq.; and Defendant Julio de Armas Diaz, by and through Assistant Federal Public Defender, BRENDA WEKSLER, Esq., that the sentencing hearing presently scheduled for December 16, 2014, be continued and reset to a date and time to be determined by the court, but in no event earlier than January 6, 2015.

The Stipulation is entered into based on the following:

1. The parties have agreed to file a stipulation to continue sentencing because on

December 9, 2014 the U.S. Office of Probation filed a Second Revised PSR in response to Defendants' objections to the First Revised PSR, which contained changes impacting Probation's sentencing guideline calculations;

2. The parties require sufficient time to prepare and file objections to the Second Revised PSR and Sentencing Memorandums for the Court's consideration at sentencing;
3. The Government and the Defendants agree to a sentencing continuance;
4. The Defendants are in custody and have no objections to the continuance sought;
5. This is the fourth request for continuance of sentencing in this case;
6. Denial of this request for a continuance could result in a miscarriage of justice, and the ends of justice would best be served by a continuance; and
7. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 (h) (7) (A) and the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (ii).

Taking into account the public interest in the prompt disposition of criminal cases, good cause exists for the Court to grant this continuance.

DATED this 10<sup>th</sup> day of December, 2014.

DANIEL G. BOGDEN  
United States Attorney

/s/Christina M. Brown  
CHRISTINA M. BROWN  
Assistant U.S. Attorney  
Attorney for Plaintiff

/s/ Osvaldo Fumo  
OSVALDO FUMO, ESQ.  
Attorney for Defendant  
Alexis Torres Simon

/s/Kathleen Bliss  
KATHLEEN BLISS, ESQ.  
Attorney for Defendant  
Alexander Del Valle Garcia

/s/ Brenda Weksler  
BRENDA WEKSLER, ESQ.  
Attorney for Defendant  
Julio De Armas Diaz

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JULIO DE ARMAS DIAZ,  
ALEXIS TORRES SIMON, and  
ALEXANDER DEL VALLE GARCIA

Defendants.

Case No. 2:13-cr-00148-JAD-GWF

**ORDER TO CONTINUE SENTENCING  
DATE**

Before the Court is an agreed-upon request to continue the sentencing proceeding presently scheduled for December 16, 2014. The Court shall grant the motion based upon the following:

1. The Office of Probation, on December 9, 2014, submitted Second Revised PSRs in response to Defendants' objections to the First Revised PSR, which contained changes impacting the sentencing guideline calculations;
2. The parties require additional time to file objections to the Second Revised PSRs and Sentencing Memorandums for the Court's consideration at sentencing;
3. The Government and Defendants agree to a sentencing continuance;
4. The Defendants are in custody and have no objections to the continuance sought;
5. This is the fourth request for continuance of sentencing in this case;
6. Denial of this request for continuance could result in a miscarriage of justice. The ends of justice would best be served by a continuance; and
7. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 (h) (7) (A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (ii) and

1 taking into account the public interest in the prompt disposition of criminal cases good  
2 cause exists for the Court to grant this continuance.

3 **CONCLUSIONS OF LAW**

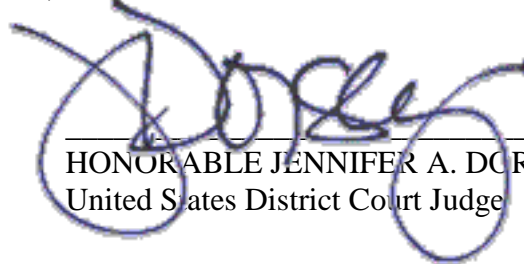
4 The ends of justice are served by granting a continuance of the sentencing date herein since  
5 the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny  
6 the parties herein sufficient time and opportunity within which to effectively and thoroughly prepare  
7 for sentencing, taking into the account the exercise of due diligence.

8 **ORDER**

9 Based on the Stipulation of counsel, and good cause appearing therefore, the Court hereby  
10 finds;

11 THAT the Sentence Hearing currently scheduled for December 16, 2013 be vacated and reset  
12 for Tuesday, January 13, 2015 at 9:00 a.m. for Julio De Armas Diaz; 10:00 a.m. for Alexis  
13 Torres Simon and 11:00 a.m. for Alexander Del Valle Garcia

14 Dated this 11th day of December, 2014.

15   
16 HONORABLE JENNIFER A. DORSEY  
17 United States District Court Judge

**CERTIFICATE OF ELECTRONIC SERVICE**

The foregoing was served on counsel of record by ECF this the 10<sup>th</sup> day of December, 2014.

/s Christina M. Brown  
Assistant United States Attorney  
District of Nevada